CONFERENCE ON DISARMAMENT

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REPORT OF THE AD HOC COMMITTEE ON
TRANSPARENCY IN ARMAMENTS

I. INTRODUCTION

1. At its 666th plenary meeting, on 25 January 1994, the Conference on Disarmament decided to re-establish the Ad hoc Committee on Transparency in Armaments for its 1994 session with the mandate as contained in document CD/1150.

2. At its 668th plenary meeting, on 1 February 1994, the Conference on Disarmament appointed Ambassador György Boytha of Hungary as Chairman of the Ad hoc Committee. Mr. Jerzy Zaleski, Political Affairs Officer, Centre for Disarmament Affairs, served as Secretary of the Ad hoc Committee.

II. ORGANIZATION OF WORK AND DOCUMENTS

3. The Ad hoc Committee held 22 meetings from 15 February to 29 August 1994.

4. In accordance with the decision of the Conference adopted at its 603rd plenary meeting on 22 August 1991, the Ad hoc Committee was open to all non-member States invited by the Conference, upon their request, to participate in its work.

5. Following consultations on the organization of work, at its third meeting, on 1 March 1994, the Ad hoc Committee adopted the following Programme of Work for the 1994 Session:

> "In accordance with operative paragraph 5 of United Nations General Assembly Resolution 48/75 E of 16 December 1993 which encourages the Conference on Disarmament to continue its work undertaken in response to the requests contained in paragraphs 12 to 15 of Resolution 46/36 L, and pursuant to the decision by the Conference on Disarmament to establish an Ad hoc Committee on Transparency in Armaments (CD/1239) for the 1994 session, the Ad hoc Committee on Transparency in Armaments decides to adopt the following programme of work for 1994:
>
> 1. Examination of interrelated aspects, and elaboration of universal and non-discriminatory practical means to increase openness and transparency related to:
>   a - excessive and destabilizing accumulation of arms;
>   b - military holdings;
>   c - procurement through national production.
>
> 2. Addressing the problem of, and the elaboration of practical means to increase openness and transparency, in accordance with existing legal instruments, related to:
>   a - transfer of high technology with military applications;
>   b - weapons of mass destruction.

In accordance with section "H. Transparency in Armaments" of the 1993 annual report of the Conference on Disarmament (CD/1222) and paragraph 48 in particular, the Ad hoc Committee will address the above mentioned issues with a view to examining existing and any new proposals and identifying areas of convergence. The Ad hoc Committee, having also taken due note of the request of the General Assembly to the Secretary-General of the United Nations in paragraph 11 (b) of resolution 46/36 L, to take into account the work of the Conference in his preparation of a report in 1994 on the continuing operation of the United Nations Register and its further development, will report to the Conference on Disarmament on its work before the conclusion of its 1994 session."

6. In addition to the documents of the previous sessions related to this item, the following official documents were submitted during the annual session:

- CD/1246 (also issued as CD/TIA/WP.19), dated 21 February 1994, submitted by the delegation of the United States of America, entitled "Letter dated 18 February 1994 from the Representative of the United States of America to the Conference on Disarmament addressed to the President of the Conference on Disarmament containing the United States views on the continuing operation and further development of the United Nations Register of Conventional Arms";

- CD/1247 (also issued as CD/TIA/WP.21), dated 28 February 1994, submitted by the delegation of the Netherlands, entitled "Views on the complementarity of the responsibilities of the UN Secretary-General and the Conference on Disarmament under the rubric 'Transparency in Armaments'";

- CD/1257 (also issued as CD/TIA/WP.25), dated 17 May 1994, submitted by the delegation of Romania, entitled "Letter dated 17 May 1994 from the Representative of Romania to the Conference on Disarmament addressed to the President of the Conference on Disarmament containing the Romanian views and a working paper on the proposal for a Code of Conduct for the international transfers of conventional arms";

- CD/1259 (also issued as CD/TIA/WP.26), dated 24 May 1994, submitted by the delegation of the United States of America, entitled "Letter dated 24 May 1994 from the Representative of the United States of America to the Conference on Disarmament addressed to the President of the Conference on Disarmament enclosing a document on behalf of Belgium, Canada, France, Germany, Italy, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America containing a working paper on military holdings and procurement through national production";

- CD/1260 (also issued as CD/TIA/WP.29), dated 6 June 1994, submitted by the delegation of the Federal Republic of Germany, entitled "Letter dated 30 May 1994 from the Deputy Head of Delegation of the Federal Republic of Germany to the Conference on Disarmament addressed to the President of the Conference on Disarmament enclosing a document containing the comments of the Federal Republic of Germany on the maintenance of the United Nations Register of Conventional Arms and its possible further development";

7. The following Working Papers were presented to the Committee during the annual session:

- CD/TIA/WP.19 (also issued as CD/1246);

- CD/TIA/WP.20, dated 25 February 1994, submitted by the delegation of the United States of America, entitled "Statement by the United States of America on behalf of the Western Group";

- CD/TIA/WP.21 (also issued as CD/1247);

- CD/TIA/WP.22, dated 3 March 1994, submitted by the delegation of the People's Republic of China, entitled "Letter dated 3 March 1994 from the Head of the Delegation of the People's Republic of China to the Conference on Disarmament addressed to the Chairman of the Ad Hoc Committee on Transparency in Armaments transmitting a 'Statement by the Chinese delegation'";

- CD/TIA/WP.23, dated 10 March 1994, submitted by the delegation of the People's Republic of China, entitled "Position of the Chinese delegation on transparency in military holdings and procurement through national production and the question of the United Nations Register of Conventional Arms";

- CD/TIA/WP.24, dated 28 March 1994, submitted by the delegation of the People's Republic of China, entitled "Position of the Chinese Delegation on the question of excessive and destabilizing accumulation of arms";

- CD/TIA/WP.25 (also issued as CD/1257);

- CD/TIA/WP.26 (also issued as CD/1259);

- CD/TIA/WP.27, dated 24 May 1994, entitled "Working Paper submitted by India";

- CD/TIA/WP.28, dated 26 May 1994, submitted by the delegation of the Netherlands, entitled "Proposal for a confidence building measure on the global exchange of military information concerning the organization, structure and size of armed forces";

- CD/TIA/WP.29 (also issued as CD/1260);

- CD/TIA/WP.30, dated 25 July 1994, submitted by the delegation of Italy, entitled "A possible C.B.M.: declaration of the conversion/closure of military production facilities";

- CD/TIA/WP.31, dated 4 August 1994, submitted by the delegation of the Russian Federation, entitled "International data exchange on military holdings and procurement through national production";

- CD/TIA/WP.32, dated 4 August 1994, submitted by the delegation of Egypt, entitled "Statement on transparency in armaments by Algeria, Cuba, Egypt, Ethiopia, India, Indonesia, Islamic Republic of Iran, Kenya, Mexico, Myanmar, Nigeria, Pakistan, Peru, Sri Lanka, Venezuela and Zaire".

8. In addition, the following conference room papers were before the Ad hoc Committee:

- CD/TIA/CRP.6, dated 17 February 1994, submitted by the delegation of the Netherlands, entitled "Letter dated 11 February 1994 from the Chairman of the Group of Governmental Experts on the United Nations Register of Conventional Arms addressed to the Chairman of the Ad Hoc Committee on Transparency in Armaments";

- CD/TIA/CRP.7, dated 1 March 1994, entitled "Timetable of Meetings";

- CD/TIA/CRP.8, dated 1 March 1994, entitled "Programme of Work";

- CD/TIA/CRP.9 and Rev.1, 2 and 3 dated 5, 23, 24 and 25 August 1994, respectively, entitled "Draft Report of the Ad hoc Committee on Transparency in Armaments";

- CD/TIA/INF.2/Rev.1/Add.1, dated 9 March 1994, entitled "Statements made in the Conference on Disarmament on Agenda item 8: Transparency in Armaments (CD/PV.657 - CD/PV.672: 29.07.1993 -24.02.1994)".

III. SUBSTANTIVE WORK DURING THE 1994 SESSION

9. During the meetings of the Ad hoc Committee on Transparency in Armaments, the various Groups and individual delegations reaffirmed their respective positions recorded in the relevant sections of previous annual reports of the Conference on Disarmament, related documents and plenary records of the Conference and in working papers of the Ad hoc Committee on Transparency in Armaments or further elaborated on them as indicated in subsequent paragraphs. A number of delegations addressed the question of transparency in armaments during plenary meetings of the Conference on Disarmament as contained in official records of the Conference.

10. A general view was maintained that increased openness and transparency in the field of armaments could enhance confidence, ease tensions, strengthen regional and international peace and security, contribute to restraint in military production and the transfer of arms and could, together with other appropriate mechanisms, contribute to the prevention of armed conflicts. It was underlined that transparency is not an end in itself, nor is it to be pursued for its own sake. It was also recognized that the establishment of the United Nations Register of Conventional Arms constituted a step forward in the promotion of transparency in military matters and that it needed to be further improved.

11. A large number of delegations from the Group of 21 maintained that the work of the Ad hoc Committee had to be devoted solely to issues specifically mentioned in its mandate, and with respect to any discussions on "interrelated aspects" not specifically referred to in the Ad hoc Committee mandate, a view was expressed that a comprehensive list of such aspects should be drawn up and dealt with in an orderly manner once agreement has been reached on it. These delegations further considered that in order to be an effective confidence-building measure, transparency must apply to all armaments, including weapons of mass destruction and their means of delivery, high technology with military applications and all types of advanced conventional weapons. They were also of the view that these ideas had to be considered in the context of the expansion of the United Nations Register which could only achieve universality if it was perceived by all States as a balanced and non-selective mechanism. In this context 16 delegations from the Group of 21 were of the view that the efforts that the international community has been undertaking in the fields of openness and transparency will only be crowned with lasting success when all States in all regions of the world feel that their participation in transparency measures serves their security interests.

12. The Western Group, the delegations of the Eastern European Group, and other delegations disagreed with the interpretation given by some members of the Group of 21 to the mandate of the Ad hoc Committee on Transparency in Armaments. The clear wording of the mandate referred to the need for discussion, inter alia, of interrelated aspects related to excessive and destabilizing accumulation of arms. They considered, therefore, that there were no grounds for restricting discussion to issues related solely to the United Nations Register of Conventional Arms and that the Ad hoc Committee should not be constrained by such issues. These delegations believed that the Ad Hoc Committee should address also other issues related to openness and transparency in the conventional field such as a proposal for guidelines for international transfers of conventional arms, the size and organization of armed forces, declaration of closure or conversion of military production facilities, and regional approaches in the field of transparency. They believed that transparency in armaments reflected an opportunity to shift the Cold War preoccupation with the danger of nuclear war and address other pressing concerns such as the excessive and destabilizing accumulation of conventional arms, and also offered the opportunity to negotiate realistic, useful, and practical means to increase openness and transparency in this field.

13. All delegations were of the view that transparency in armaments should respect the principle of undiminished security for every State. The delegation

of China expressed also the view that specific measures in that field should be appropriate and feasible and be defined by all States through negotiations. The delegation of China and some other delegations believed that action on transparency in armaments depends on the requisite international environment and every State should be allowed to select measures corresponding to its own specific circumstances voluntarily and on an equal footing.

14. There was a prevailing view that the United Nations Register of Conventional Arms needed to be developed in such a manner as to encourage universal participation. Some delegations were in favour of a gradual expansion of the Register. Some delegations were of the view that it could be done, for example, by establishing new categories or by requiring broader and more detailed information. A number of delegations were of the view that universal participation in the Register could best be promoted by its rapid expansion to include all types of advanced arms rather than by maintaining the present seven categories of conventional arms which, alone, do not satisfy the security concerns of many countries as testified to by the limited participation in the Register during its first two years of operation. Other delegations believed that, at this stage, efforts should be focused on consolidation of the Register on the basis of the review of its operation during its first year, and maintained that its expansion should be approached with caution. Views were expressed that since non-discrimination is one of the principles for the Register, the categories of the Register had to be defined in a way that did not harm the security interests of reporting States. This was of vital concern, especially to States not members of military alliances. In this connection, an idea was advanced concerning the establishment of an adequate system of procedures for clarification on consultations between States on bilateral, regional or multilateral basis in such cases. Other proposals included the possibility of elaboration of a single definition of arms transfers or provision by the reporting States of their own definition, on the basis of which submissions to the Register were prepared. A view was also expressed that certain analysis or interpretation of data submitted to the United Nations Register of Conventional Arms, made by a competent United Nations staff, would render it a more useful instrument of confidence-building. In such a way, the Register could play a role of a more reliable early warning system to alert the international community to excessive and destabilizing accumulation of arms. Many delegations welcomed the encouraging results of the United Nations Register during its first two years of operation as contributing to an enhanced level of transparency in conventional armaments, and to increased confidence building and security among States. These delegations encouraged all member States of the United Nations to participate in the Register, including the submission of nil reports where applicable. The delegation of India, in its working paper (CD/TIA/WP.27), pointed out that certain inconsistencies in data reported to the Register underlined difficulties in the operation of the Register and could have a bearing on its perception as an effective confidence-building measure. It also stressed that success of the Register would depend on wider adherence and simultaneity, and on whether it tends to have an impact on disarmament and development and whether it restrains the major arms suppliers in the production and transfers of arms which are excessive and destabilizing in nature. That view was shared by the delegation of China, which further emphasized that the standardization of the Register should also be enhanced.

15. Some delegations held that the Ad Hoc Committee could proceed to the elaboration of concrete and specific confidence-building measures on openness and transparency in the field of armaments which would be universal and of a politically binding nature and which could be then implemented on global and regional levels. A view was also expressed that it might be feasible to implement initially certain confidence-building measures on a regional level before recommending them for universal application. A view was also expressed that the proliferation of a multitude of instruments covering various aspects of the transparency question must be avoided in order not to complicate reporting requirements, and that work should instead focus on the expansion of the United Nations Register.

A. Military holdings and procurement through national production

16. Discussions devoted to the issue of elaboration of universal and non-discriminatory practical means to increase openness and transparency related to military holdings and procurement through national production focused to a great extent on the question of appropriate definitions and agreement seemed to crystallize about their necessity.

17. Many delegations belonging to the Western Group and to the Eastern European Group respectively and other individual delegations maintained that the voluntary exchange of data on military holdings and procurement through national production would enhance openness in particular in relation to States that do not depend predominantly or exclusively on arms imports to meet their defence requirements. In combination with existing transparency measures relating to conventional arms transfers, such a confidence-building measure would contribute towards a more balanced and non-discriminatory approach to the concept of the United Nations Register of Conventional Arms. In their opinion it could also contribute to ensuring universal participation in the United Nations Register. These delegations were in favour of broad definitions of military holdings and procurement through national production, descriptive in nature and containing a set of clear parameters. With regard to a mechanism for exchanging data, they considered that it would be most effective if the data were reported to the United Nations Register in the same format of seven categories of armaments and by the same date, that is, by 30 April of each calendar year. Subsequently, eight delegations belonging to the Western Group submitted a joint working paper containing proposals of definitions of relevant terms and modalities of reporting relevant data to the Register (CD/1259, issued also as CD/TIA/WP.26). Delegations of Australia and Japan supported the general thrust of the working paper. The delegation of the Russian Federation, for its part, also proposed modalities of reporting relevant data to the Register and presented a working paper (CD/TIA/WP.31) developing further its definitions of military holdings and procurement through national production.

18. 16 delegations belonging to the Group of 21 were in favour of the expansion, at the appropriate time, of the United Nations Register to include military holdings and procurement through national production. Such an expansion, however, must take place after the present shortcomings of the United Nations Register are redressed. They considered that information submitted to the Register would naturally cover all advanced arms whether in active service, in stockpiles, stationed or deployed inside or outside national territory or territorial waters, in outer space, as part of a leasing arrangement or any type of military support commitment, etc. Some delegations of the Group of 21 also continued to stress the importance of the elaboration of acceptable definitions of the relevant terms and expressed their reservations with regard to definitions of military holdings and procurement through national production presented so far. These delegations advocated much wider scope, going beyond the present seven categories of the Register, which would include all categories and types of arms, in particular, weapons of mass destruction and their means of delivery, arms maintained in stocks or in storage and weapons undergoing research, development, testing or evaluation.

19. The delegation of China, stressing that transparency in armaments should serve as a means of strengthening peace, stability and security of States and regions, expressed strong reservations with regard to a proposal to expand the Register by incorporating military holdings and procurement through national production. In its view, transparency in that field would involve sensitive military information and the present international environment and conditions were not ripe enough for all States to introduce transparency measures in this field. It also considered necessary to explore and clarify the relevant concepts and definitions.

20. Many delegations belonging to the Western Group and to the Eastern European Group respectively and other individual delegations strongly believed that the exchange of data on military holdings and procurement should not

include weapons undergoing research, development, testing and evaluation since, at that stage, they were not under the operational control of armed forces nor considered militarily significant. In addition, given their limited quantity they could not contribute to the excessive and destabilizing accumulation of arms, nor constitute a threat to peace and security. The Russian Federation expressed the view that such equipment should not be included in an exchange of data because it was not put in service in the armed forces. These delegations believed also that this exchange should exclude weapons undergoing manufacture, decommissioned or subject to destruction, awaiting export, or belonging to historical collections.

21. Delegations belonging to the Group of 21, on the other hand, believed that introduction of new weapons in some regions could destabilize existing balance and jeopardize their stability, hence, transparency in the field of research, development, testing and evaluation would add an element of predictability to activities related to the development of new weapons, could serve the strengthening of confidence and indicate, in advance, negative trends in accumulation of arms. The delegation of India referred to the role of research and development in the upgrading of weapons which when supplied to the areas of tension can also play a destabilizing role. A view was expressed that given the fact that all weapons are continuously subjected to a process of research, development, testing and evaluation and that weapons which are technically still in such a process do represent a threat and are the very weapons which tomorrow can become excessive and destabilizing, introducing transparency into this field would significantly lessen suspicion and re-assure States in a mutual way about each other's intentions. A view was also expressed that the details of the exchange of information and the stage of development at which data should be reported, needed to be thoroughly examined in order to ensure, inter alia, that transparency did not, in any way, undermine security, as well as the industrial and commercial interests of States concerned.

B. Transfers of high technology with military applications and weapons of mass destruction

22. Some delegations belonging to the Group of 21 believed that inclusion of data on transfers of high technology with military applications into the Register could facilitate its balance. Given the importance and potentially destabilizing nature of transfers of high technology with military applications, 16 delegations of the Group of 21 considered it most appropriate to analyze ways and means of ensuring the transparency of such transfers which should be governed by multilaterally negotiated, universally applicable and non-discriminatory treaties. Reporting all transfers of high technology with military applications to the United Nations Register is essential to ensure genuine transparency. A number of these delegations expressed the view that such an expansion of the Register would not complicate the process of submission of data since only a limited number of States were engaged in such transfers and they occurred less frequently than transfers of weapons. In this connection, some delegations stressed the need for facilitating the access of developing States to high technology and referred to paragraph 53 of the Final Document adopted by the Conference of Foreign Ministers of the Non-Aligned Movement in Cairo (CD/1261), in which the objection was expressed to the continued functioning of ad hoc export control groups on the pretext of the non-proliferation of armaments, since they could impede the economic and social development of developing countries. In this respect, some delegations from the Group of 21 called for transparency on export control regimes, including their internal structure, their detailed plans and future policies.

23. The delegation of China expressed the view that the key issue in the question of transfers of high technology was, on the one hand, the necessity to abolish the discriminatory and unfair control and limitation regimes set up by a minority of States and, on the other, how to guarantee the developing countries' legitimate right to acquire the high technology which they need for developing their economies and ensuring the requisite defensive capabilities.

24. The Western Group, the delegations of the Eastern European Group, and other individual delegations did not believe that information on transfers of high technology with military applications could be included in the United Nations Register of Conventional Arms in its present form. These delegations noted that there had been no concrete proposals explaining how transfers of high technology with military applications might be included in the Register nor was there any indication as to the parameters for such inclusion. Furthermore, a number of delegations advocated instead an exchange of information on national legislation and regulations on such transfers. The Western Group, the delegations of the Eastern European Group, and other delegations agreed with the importance of ensuring access to high technology for peaceful purposes. Furthermore, export licensing measures were entirely consistent with existing international agreements and were in no way designed to restrict access to technology for commercial reasons. These measures had been developed solely to ensure that the supply of certain technologies could not be diverted for non-peaceful use, and thereby furthered global efforts to prevent the proliferation of weapons of mass destruction and the excessive and destabilizing accumulation of conventional weapons. Consequently, they rejected any suggestion that national licensing measures could be conducted as a pretext for any other activity.

25. Pending the banning and complete elimination of all weapons of mass destruction, most delegations of the Group of 21 and other individual delegations strongly supported the idea of including all such weapons in transparency measures. Most delegations of the Group of 21 further believed that annual information transmitted to the United Nations Register on the production, number, type, location and movement of all weapons of mass destruction would go a long way towards building confidence and trust and ensuring the reliability and credibility of the Register. While recognizing that there already existed legal instruments covering various types of such weapons they were, nevertheless, of the view that, pending the universal adherence to all those instruments and the full implementation thereof, a certain degree of transparency with respect to weapons of mass destruction must be ensured. Delegations belonging to the Group of 21 also maintained that such weapons were both excessive and destabilizing by their very nature and they should, therefore, be considered as an integral part of the work of the Ad Hoc Committee and, in general, of transparency in armaments. The delegation of India stated that the Non-Proliferation Treaty was often cited in the discussions regarding transparency in weapons of mass destruction but it was essential that the discriminatory nature of that instrument should also be taken into account when that instrument was discussed.

26. The delegation of China maintained that the relevant issues of transparency with regard to weapons of mass destruction have been or are being dealt with within the framework of the specific treaties, conventions or agreements concerning such weapons. The ultimate solution to the weapons of mass destruction is the complete prohibition and thorough destruction of these weapons. In view of China, it would be conducive to the promotion of transparency with regard to nuclear weapons if nuclear-weapon States undertake not to be the first to use nuclear weapons and to provide security assurances to non-nuclear weapon States.

27. Other nuclear-weapon States made clear during the course of the discussions in the Ad hoc Committee that they disagreed with this last position of China. They also stressed that they did not regard these issues as relevant to the work of the Ad hoc Committee on Transparency in Armaments.

28. The Western Group, the delegations of the Eastern European Group, and other delegations opposed the inclusion of weapons of mass destruction in the United Nations Register of Conventional Arms on the basis that to do so would imply international acceptance of the transfer of such weapons. These delegations held the view that a transparency instrument, by its very nature, can only encompass legitimate activity. They advocated universal adherence to existing treaties on weapons of mass destruction and full implementation of

their provisions, including relevant transparency measures. Some delegations questioned the assumption that such weapons were excessive and destabilizing by their very nature and pointed to the destabilizing effect of a massive accumulation of conventional arms. At the same time, they did not exclude the possibility of consideration, by the Ad hoc Committee, of transparency measures related to weapons of mass destruction on the basis of concrete and substantive proposals.

29. The reluctance of member States of the Eastern European and the Western Groups to broaden the scope of the Register to include weapons of mass destruction, among other things, led most delegations of the Group of 21 to reiterate their position not to continue the work of the Committee beyond 1994.

30. Some delegations of the Western Group noted the views expressed by 16 delegations of the Group of 21. The statement was welcomed as a useful contribution, although it was regretted that time did not allow for fuller discussion of these views in the Ad hoc Committee in 1994. It was therefore hoped by these delegations that the substantive views outlined by the 16 delegations would be discussed thoroughly during the work of the Ad hoc Committee in 1995.

C. Examination of other interrelated aspects and elaboration of universal and non-discriminatory practical means to increase openness and transparency

31. The delegation of Romania submitted a proposal for a code of conduct for the international transfers of conventional arms (CD/1257, issued also as CD/TIA/WP.25), aimed at furthering the debate on how to deal with excessive and destabilizing accumulation of conventional arms, at increasing openness and transparency in this field and at establishing universal and non-discriminatory principles and criteria to be followed by subscribing States in considering arms transfers, as a voluntary confidence-building measure. The proposal was welcomed by many delegations, which considered it an important contribution to the strengthening of confidence and understanding among States. These delegations also advocated commencement of substantive negotiations and drafting of such code.

32. The majority of delegations of the Group of 21, and the delegation of China, were of the opinion that the parameters used in the proposal, such as human rights as well as excessive and destabilizing accumulation of arms, are ambiguous and irrelevant, and could, therefore, run counter to the efforts of States to preserve their territorial integrity and to the rights of any States to self-defence as stipulated in Article 51 of the Charter of the United Nations. Delegations of the Group of 21 pointed out that the specific nature of different regions as well as threat perceptions and security considerations of various States would have to be taken into account and that these were not only based on the accumulation of conventional arms but also on that of weapons of mass destruction. Keeping all this in view, these delegations felt that it was too early to take a position on the proposed code of conduct. They, and the delegation of China even stressed that it was premature to consider negotiations on or drafting of a code. The delegation of China held the view that due to the fact that the United Nations Disarmament Commission has embarked on the discussion of international arms transfer issues, there is no need for the Conference on Disarmament to duplicate the work.

33. Some delegations belonging to the Group of 21 expressed the view that the massive production of sophisticated advanced armaments is of great concern. In this respect they stressed the need to address this issue with the view to limit this production and to balance their transfer so that security of States in various regions will not be adversely affected.

34. The delegation of the Netherlands submitted a proposal for a confidence-building measure on the global exchange of military information concerning the organization, structure and size of armed forces (CD/TIA/WP.28) and,

subsequently, proposed to start a drafting exercise on the basis of its working paper. Both proposals enjoyed the support of the delegations of the Western Group and of many delegations of the Eastern European Group.

35. A number of delegations belonging to the Group of 21 and the delegation of China considered, however, that the issue was outside the mandate of the Committee. The delegation of China, on the other hand, was of the view that the issue touched upon sensitive military information and that transparency in that field could be detrimental to the security of States. The delegation of India pointed to the difficulties and flaws that such a confidence-building measure, if propounded, would face in becoming a universal norm. It would not take into account factors like a country's geostrategic circumstances, its terrain, its economic and technical levels and hence would not be suitable for determining what is excessive and destabilizing. It also felt that available figures of military spending and transfer of conventional weapons should be sufficient to give an idea on the aggressive intent without going into question of armed forces.

36. The delegation of China believed that in dealing with transparency problems, priority should be given to the issue of excessive and destabilizing accumulation of arms. In order to facilitate the measurement and judgement in this field, the delegation of China further elaborated its proposal concerning the exchange of certain relative figures - indices - and defined five of them, representing various relations between military expenditures, number of armed forces and the territory of a State (CD/TIA/WP.24). An analysis of the indices could, in its view, yield the general criteria of excessive and destabilizing accumulation of arms. The delegation of Indonesia stressed also that characteristics of a State has to be taken into account in addressing this issue. The United States presented a detailed briefing on the Chinese proposal, showing the implications and shortcomings of the quantitative indices. Subsequent examination of that proposal led the delegations of the Western Group and other delegations to the conclusion that such indices were irrelevant for making meaningful comparisons and that transparency and confidence-building were enhanced more through the exchange of direct data on transfers, military holdings, procurement through national production, size and organization of armed forces, and military expenditures rather that through secondarily derived indices. A number of delegations from the Group of 21 regarded such a conclusion as premature and believed that the Chinese approach deserved further consideration and refinement. Also, the delegation of the Netherlands concluded that there was some relationship between the Chinese proposal and its own that warranted their further consideration in order to reach a common understanding.

37. The delegation of Italy further elaborated its proposal on a confidence-building measure concerning the declaration of the conversion or closure of the military production facilities, presenting two concrete formats for reporting such cases (CD/TIA/WP.30).

38. The issue of openness and transparency in nuclear matters was also discussed, and a number of delegations considered that measures in this field could include, inter alia, a detailed inventory of all nuclear weapons, notification of any movement of nuclear weapons, a detailed notification of any manoeuvres involving nuclear weapons, and notification of any transportation as well as detailed inventory of weapons grade materials. Requested data could be incorporated into the appropriately expanded Register or in any other complementary mechanism.

39. Consideration of the issue of excessive and destabilizing accumulation of arms revealed that it would be extremely difficult to arrive at agreed criteria in this regard, especially on a global level. While the vast majority of delegations belonging to the Group of 21 put, in this connection, emphasis on threats stemming from weapons of mass destruction, the delegations of the Western Group and the Eastern European Group were mainly concerned with threats related to accumulation of conventional weapons. In an effort to address this

situation a number of delegations, including those from the various Groups, suggested that regional approaches to openness and transparency would allow for the adaption of the scope and volume of the exchange of information to the specific security perceptions in various regions.

40. Many delegations supported the specific proposals of New Zealand and Japan with regard to regional approaches to overcoming some of the obstacles to participation in the Register, such as by creating stronger links between the Register and regional organizations, and through the application of the Register on a regional and sub-regional basis. The New Zealand delegation also suggested other regional measures that could be developed in accordance with the guidelines and recommendations endorsed by the United Nations Disarmament Commission (document A/48/42). The delegation of Japan stressed the need for regional efforts, in parallel with global efforts, in the field of transparency. In this context, it welcomed the recent establishment and development of the ASEAN Regional Forum (ARF), which aimed at enhancing regional political and security dialogue, as an example for encouraging measures related to building confidence on regional basis and thereby promoting peace and security of this region. These views were supported by the delegations of Australia and New Zealand. The delegation of Indonesia shared the views expressed by the delegation of Japan. It is to be noted that Indonesia was among those countries that helped and promoted the establishment of this Forum. In this connection a number of delegations agreed that regional measures should complement and could help pave the way for global measures. There was broad agreement on the importance of regional approaches to transparency questions. A large number of delegations agreed that there was scope for the Committee to undertake further work on this subject. A view was expressed that the United Nations may take initiatives to promote regional cooperation and coordination and help establish necessary forums particularly in regions which have received significant amount of armaments including sophisticated advanced armaments in the recent years.

41. The delegation of India stated that the most appropriate approach would be to encourage the voluntary regional efforts to help ensure universal adherence to the United Nations Register rather than attempt to create regional or sub-regional versions of the global register. It felt that States of a region could provide information to the Register based on a regional understanding which would be an entirely voluntary exercise taking regional specificities into account. The delegation of India further stated that it would be inappropriate for a global body to have regional prescriptions and these should best be left to the States of the regions themselves. It would be also premature to begin a top down process of setting up regional registers even while the performance and the future development of the global register are still being debated. The delegation of China believed that it was imperative that the transparency in armaments measures for each region be formulated and adopted by consensus by the States in the region through discussions on an equal footing and in accordance with their specific regional conditions. These measures should be practical and applicable. No region should try to impose their own model upon the others. It also held that owing to the widely divergent situations of different regions, it is impossible to find a common model which suits all regions. Therefore, the delegation of China was of the view that it is not appropriate for the Conference on Disarmament to discuss concrete regional transparency in armaments measures. On the issue of regional transparency in armaments measures, it also needs to be taken into consideration that considerable work has already been done in this regard by the United Nations Disarmament Commission, the First Committee of the United Nations General Assembly as well as various regional organizations and forums. The Conference on Disarmament should avoid repeating the work.

IV. CONCLUSIONS AND RECOMMENDATIONS

42. During the 1994 session of the Conference on Disarmament, the Ad hoc Committee continued the examination of interrelated aspects and elaboration of universal and non-discriminatory practical means to increase openness and

transparency in the field of armaments. Several new aspects were raised in addition to those already referred to in the previous reports of the Conference on Disarmament. A considerable part of it, devoted to consideration of topics which were suggested by various delegations, usually on the basis of their respective working papers, led to further elaboration of position of States and groups of States as well as to clarification and further development of ideas presented previously. Although agreement on those topics has not been reached, some progress in the understanding of the issues under consideration has been recognized.

[43. [In the light of the above, the Ad Hoc Committee therefore recommends that it be re-established at the beginning of the 1995 session of the Conference on Disarmament.] [In the light of the above, it is not necessary to re-establish the Ad hoc Committee beyond 1994.]]

CONFERENCE ON DISARMAMENT

CD/1275
30 August 1994

Original: ENGLISH

REPORT OF THE AD HOC COMMITTEE ON
EFFECTIVE INTERNATIONAL ARRANGEMENTS TO
ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE
OR THREAT OF USE OF NUCLEAR WEAPONS

I. INTRODUCTION

1. At its 666th plenary meeting on 25 January 1994, the Conference on Disarmament decided to re-establish for the duration of its 1994 session an Ad Hoc Committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons (CD/1121). This decision on the re-establishment of the Ad Hoc Committee required that the Committee would report to the Conference on the progress of its work before the conclusion of the annual session.

II. ORGANIZATION OF WORK AND DOCUMENTS

2. At its 671st plenary meeting on 17 February 1994 the Conference on Disarmament appointed Ambassador Baron Alain Guillaume of Belgium as Chairman of the Ad Hoc Committee. Mr. V. Bogomolov, Political Affairs Officer, United Nations Centre for Disarmament Affairs, served as Secretary of the Ad Hoc Committee.

3. Between 24 February and 29 August 1994 the Ad Hoc Committee held 16 meetings. The Chairman also conducted informal consultations on specific concrete aspects of the agenda item, as well as several meetings with Group coordinators and other representatives.

GE.94-64101

4. The following new documents were submitted to the Committee in connection with the item during the 1994 session:

CD/1256	Dated 31 March 1994 submitted by the Group of 21 entitled "Declaration on the question of Negative Security Assurances"
CD/SA/WP.18	Working Paper entitled "Preliminary and personal conclusions by the Chairman"
CD/SA/WP.19	Working Paper entitled "The Response of the Syrian Arab Republic to the Questionnaire (CD/SA/WP.25) prepared by the Chairman of the Ad Hoc Committee"
CD/SA/CRP.24	1994 Timetable of Meetings
CD/SA/CRP.25	Questionnaire prepared by the Chairman

III. SUBSTANTIVE WORK

5. During the meetings of the Ad Hoc Committee, various Groups and individual delegations reaffirmed their respective positions, the detailed descriptions of which can be found in the previous annual reports of the Committee, related Conference documents and Plenary Records, or further elaborated them, as described in the following paragraphs.

6. At the suggestion of the Chairman, and in an effort to reassess the current political environment and the new favourable opportunities it provided, the Ad Hoc Committee devoted the entire second part of the annual session to an intensive informal exchange of views on the basis of a Questionnaire prepared by the Chairman (CD/SA/CRP.25) on such issues as threat perception, and especially nuclear threat, potential dangers to national and international security, the scope of guarantees and the right for protection, the beneficiaries and providers of guarantees, the scope and type of sanctions in a system of collective security, including a possible role for the United Nations, and the framework of a possible agreement. From a general point of view, the informal exchange of views was useful and highlighted areas of potential progress. However, at this stage of the discussions, no consensus had been reached.

7. In parallel it was suggested by the Chairman to establish a drafting group to submit concrete proposals to the Ad Hoc Committee, but there was no consensus on this suggestion.

8. The Ad Hoc Committee was informed that the five nuclear-weapon States held consultations on security assurances.

9. All delegations reiterated that they attach particular importance to the question of international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons and expressed their readiness to engage in a search for a mutually acceptable solution of the issue.

10. The Group of 21 insisted on the legitimate character of the claims of non-nuclear-weapon States for negative security assurances and felt that there was a need to step up efforts, in the light of recent transformations in the international political climate and other positive developments, to agree on a common approach, and to proceed to negotiations with a view to reaching agreement as soon as possible.

11. In a declaration issued on 31 March 1994 (CD/1256) the Group of 21 reiterated its conviction that the complete elimination of nuclear weapons was the only effective assurance against the use or threat of use of nuclear weapons and stressed the necessity to recognize the right of non-nuclear-weapon States not to be attacked nor threatened with these weapons. It reaffirmed the need to conclude a multilateral agreement of a legally-binding character, linking nuclear-weapon States and non-nuclear-weapon States and, in this context, suggested some principles on the basis of which such an agreement could be negotiated within the Conference on Disarmament.

12. Some delegations belonging to the Group of 21 reiterated their view that non-nuclear-weapon States parties to the NPT or to regional nuclear weapon-free zones, or those who had signed a comprehensive safeguards agreement with the IAEA, were entitled to immediate, unconditional, legally-binding comprehensive security assurances, which would not be limited in scope, framework or duration, since they have already fulfilled their own engagement towards non-proliferation and nuclear disarmament.

13. Some delegations of this Group also proposed, as a possible alternative to an international convention, to add to the Non-Proliferation Treaty an additional protocol embodying legally-binding nuclear security assurances.

14. India referred to its Action Plan by which it advocated the conclusion of a convention to outlaw the use or threat of use of nuclear weapons, pending their elimination, as a measure collateral to nuclear disarmament. It stressed that partial and conditional pledges of non-use of nuclear weapons which may be undertaken by nuclear-weapon States, whether in a separate undertaking or in

some common formula, would not provide real security to the non-nuclear-weapon States. Stressing that NSAs should not be used as a pretext for further discriminatory obligations on non-nuclear-weapon States, it found no links between NSAs and the 1995 NPT Review and Extension Conference, and insisted on the necessity to work towards the common approach on a common formula that could be included in an international instrument with a legally-binding character.

15. Indonesia stated that negative security assurances was an issue that needed urgent and serious attention, particularly since it was bound to have some influence on both CTBT negotiations and the NPT Review and Extension Conference. It also recalled the importance that the Heads of State and Government of the non-aligned countries attached to a multilateral and legally-binding Convention governing the issue, as expressed during the 10th Summit in Jakarta in 1992 and reiterated by the non-aligned Foreign Ministers in Cairo in June 1994.

16. The delegation of Myanmar stated that effective international arrangements or agreement on negative security assurances (NSAs) was a question of utmost importance in its own right. Such a step would ensure the security of non-nuclear-weapon States and would enhance international security. In addition, the importance of NSAs lay in the fact that effective international arrangements or agreement on NSAs and a comprehensive test ban treaty constituted two of the most crucial elements of an effective régime of the NPT. The present-day realities dictated that nuclear-weapon States should continue to carry forward the process of de-emphasizing the role of nuclear weapons. Myanmar considered that NSAs were a vital element of this process.

17. The delegation of Pakistan recalled UN General Assembly Resolution 48/73 of 1993, which was overwhelmingly adopted with 166 votes in favour and no votes against, and stated that there was a need to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. These assurances, based on a common formula, should be given in a multilaterally-negotiated, legally-binding instrument. In the meantime, the nuclear-weapon States should provide unconditional assurances, without qualifications or exceptions, not to use or threaten to use nuclear weapons against all non-nuclear-weapon States.

18. The Western Group welcomed the approach by the Chairman to search for new ideas and avenues to pursue the issue of negative security assurances in informal consultations with a view to re-assessing the question of security

assurances in the light of recent changes in the international situation.

19. The Western Group emphasized that security assurances should only be extended to non-nuclear-weapon States which had undertaken and were in compliance with commitments under the Non-Proliferation Treaty or any comparable internationally-binding agreements not to manufacture or acquire nuclear explosive devices. The Western Group recognized the legitimacy of the request for assurances against the use or threat of use of nuclear weapons by such non-nuclear-weapon States.

20. The Western Group expressed the view that the question of security assurances should be reassessed in the context of recent changes in the international situation. In view of the end of the Cold War and the emergence of new threats, in particular the increased danger of nuclear proliferation, the issue of security assurances deserved to be considered in a wider perspective.

21. All members of the Western Group recognized the importance of existing unilateral assurances and expressed support for the efforts of the five nuclear-weapon States to harmonize the content of their existing assurances. A number of delegations also supported the idea of a multilaterally-negotiated international agreement or a mandatory UN Security Council resolution on the issue of security assurances.

22. The Western Group supported the search for a solution acceptable to all relevant parties.

23. France considered that the question of security assurances involved at the same time the international responsibilities of the acknowledged nuclear Powers, respect for commitments entered into as regards non-proliferation, and defence imperatives. As a nuclear Power, France fulfilled its obligations since it already granted security assurances to non-nuclear-weapon States which had undertaken to retain that status. It stood ready to harmonize the terms of its declaration with the other nuclear Powers. As far as non-proliferation commitments were concerned, France considered that only States that had entered into legally-binding international undertakings, such as accession to the NPT, and complied with them, should benefit from these security assurances. This requirement was all the more necessary since heightened risks of proliferation were creating new threats to international security. Lastly, the defence policy of France rested on the maintenance of nuclear capabilities whose sole purpose was to deter any aggressor from harming its vital interests. France

was prepared to pursue efforts to reach an acceptable solution to this question which took account of these three elements.

24. The United Kingdom expressed their deep concern about the possible proliferation of nuclear weapons, as well as the potential threats from other weapons of mass destruction and from advanced conventional weapons. This formed part of the security context in which the United Kingdom approached the issue of security assurances. The United Kingdom recognised the importance which many countries attached to security assurances. They stressed the continuing validity of their unilateral security assurances which were solemn and formal undertakings. At the same time, they had been working with other nuclear weapon States to try to devise a joint text on assurances which might offer further reassurance to non-nuclear-weapon States. However, no-one should lose sight of the simple fact that non-nuclear-weapon States parties to the Non-Proliferation Treaty or to other internationally-binding and verifiable commitments not to manufacture or acquire nuclear explosive devices already benefitted from security assurances from the United Kingdom. By linking the assurances to the NPT and IAEA safeguards, the United Kingdom believed they were supporting the non-proliferation objectives to which the international community was committed.

25. The United States of America recalled its solemn and binding unilateral security assurance of 1978, a position that had been reiterated by every subsequent Administration. It emphasized that it continued to work actively toward the goal of a common negative security assurance formulation applicable to non-nuclear-weapon States parties to the Non-Proliferation Treaty or to another comparable internationally-binding commitment not to acquire nuclear explosive devices. Of course, non-nuclear-weapon States must be in compliance with these undertakings to be eligible for any negative security assurance. Substantial progress along these lines had already been achieved as demonstrated by the January 14, 1994 trilateral statement issued in Moscow (CD/1243) which noted the willingness of the United States, Russia, and the United Kingdom to affirm a common negative security assurance to Ukraine once it accedes to the Non-Proliferation Treaty.

26. The delegation of China supported the negotiation and early conclusion of an international agreement on the non-use or threat of use of nuclear weapons against non-nuclear-weapon States, which would have a positive impact on the CTBT negotiations and the NPT Review Conference of 1995. It reiterated its

commitment that at no time, and under no circumstances, would it be the first to use nuclear weapons, and that it would not use nuclear weapons against non-nuclear-weapon States and nuclear weapon-free zones. It called on the five nuclear-weapon States to negotiate and conclude an international agreement on the non-first-use of nuclear weapons, as the time was ripe to do so in the present international situation.

27. The delegation of Romania expressed the view that an arrangement in this area should essentially be premised upon a universal and legally-binding international agreement providing for negative as well as positive security assurances that were global in scope, uniform and comprehensive, and ensured equality of the States renouncing the acquisition of nuclear weapons through multilateral treaties. At the same time, the search for a solution to the problem of security assurances should not leave aside the United Nations, which had considerably enhanced its role and credibility in maintaining international peace and security. Therefore it favoured the idea of a Security Council confirmation, on a broader basis, of the commitments which were originally undertaken in UN Security Council Resolution 255 of 1968.

28. The Russian Federation stated that it considered it proper and desirable to work out in the Conference on Disarmament a multilateral, legally-binding agreement to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. It considered that assurances to be given by the five nuclear-weapon States should be in direct linkage with the commitments undertaken by non-nuclear weapon States within the NPT. At the same time, the Russian delegation confirmed that it deemed it important to develop a common formula through negotiations among the five nuclear Powers as a necessary stage in the elaboration of the above-mentioned multilateral agreement. Such a common formula could be confirmed by a mandatory resolution of the UN Security Council. The Russian delegation also reiterated the legally-binding character of the unilateral Russian declaration on NSA, as formulated in the recently adopted Russian Military doctrine.

29. The delegation of Sweden held the view that as long as nuclear arms existed there remained a need for the non-nuclear-weapon States to receive firm assurances against the use or threat of use of such weapons. States which had forsworn the nuclear option by adhering to the Non-Proliferation Treaty or other legally-binding international agreements, and effectively abided by them, had indeed a legitimate right to enjoy such assurances. A solution to this issue was, in fact, long overdue. The optimal solution would be a multilateral treaty, whereby the nuclear-weapon States would unambiguously, and without

reservations, commit themselves not to use or threaten to use nuclear weapons against non-nuclear-weapon States.

IV. CONCLUSIONS AND RECOMMENDATIONS

30. The Ad Hoc Committee reaffirmed that, pending the effective elimination of nuclear weapons, non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons. There was general agreement that a discussion on negative security assurances could not be conducted in isolation from a general assessment of the security situation both at regional and global levels. At the same time, it was felt that this Committee should concentrate on the question of security assurances related to nuclear weapons and that an eventual solution on the issue of NSAs might also involve addressing the problem of positive assurances and build on the principles contained in UN Security Council Resolution 255 of 1968.

31. It was felt that any further discussion on the issue of negative security assurances should take into full account the outcome of the 1994 deliberations in the Committee as well as the recommendations and suggestions of the previous sessions.

[32.On this understanding it was agreed to recommend to the Conference on Disarmament to re-establish the Ad Hoc Committee at the beginning of the 1995 session.]*

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* The delegation of Mexico did not agree to the linkage of the re-establishment of this Committee, which has its own value, to the re-establishment of other Committees having nothing to do with the substance under discussion in this Committee.

CONFERENCE ON DISARMAMENT

CD/1276
30 August 1994

Original: ENGLISH

LETTER DATED 29 AUGUST 1994 FROM THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE CONFERENCE ON DISARMAMENT ADDRESSED TO THE DEPUTY SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF A MESSAGE BY THE PRESIDENT OF THE UNITED STATES TO THE CONFERENCE ON DISARMAMENT, DELIVERED ORALLY TO THE CONFERENCE ON 25 JANUARY 1994 BY THE DIRECTOR OF THE UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY, CONCERNING THE IMPORTANCE OF THE NEGOTIATION OF A COMPREHENSIVE AND VERIFIABLE BAN ON NUCLEAR EXPLOSIONS

I have the honor to forward to you a Message by the President of the United States to the Conference on Disarmament, delivered orally to the Conference on January 25, 1994, by the Director of the U.S. Arms Control and Disarmament Agency, concerning the importance of the negotiation of a comprehensive and verifiable ban on nuclear explosions. Through an oversight, this Message was not sent for registration as a CD document at the time, although it appears in CD/PV.666.

Could you please take the appropriate steps to register this Message as an official document of the Conference on Disarmament, and have it distributed to all member delegations and non-member States participating in the work of the Conference.

(Signed): Stephen J. Ledogar
Ambassador

GE.94-64110

THE WHITE HOUSE

WASHINGTON

January 24, 1994

I am grateful for the opportunity to address all those who are participating in the Conference on Disarmament. This Conference has several important items on its agenda as the 1994 session begins, including transparency in armaments, and it may assume others, such as a ban on fissile material production for nuclear explosive purposes. None is more important than the negotiation of a comprehensive and verifiable ban on nuclear explosions. This challenging, but crucial objective is the Conference's top priority. It reflects our common desire to take decisive action that will support and supplement the global nuclear non-proliferation regime and will further constrain the acquisition and development of nuclear weapons.

Regional instabilities, the end of the Cold War, and the growing threat of the proliferation of nuclear weapons have created new and compelling circumstances to encourage progress in disarmament. Accordingly, I decided last July to extend the moratorium on United States nuclear weapons tests and committed the United States to achieving a Comprehensive Test Ban Treaty. At the same time, I called on the other nuclear weapon states to observe a testing moratorium, and I do so again today.

I am confident that Ambassador Ledogar and the United States delegation will join with you in taking bold steps toward a world made safer through the negotiation at the earliest possible time of a Comprehensive Test Ban Treaty that will strengthen the security of all nations. You have my best wishes during this important Conference.

(Signed): Bill Clinton

CONFERENCE ON DISARMAMENT

CD/1277
6 September 1994

Original: ENGLISH

STATEMENT ON BEHALF OF THE DELEGATIONS OF EGYPT, ETHIOPIA, INDONESIA, IRAN (ISLAMIC REPUBLIC OF), KENYA, MEXICO, MONGOLIA, MOROCCO, MYANMAR, PERU, SRI LANKA AND VENEZUELA DELIVERED AT THE 691ST PLENARY MEETING OF THE CONFERENCE ON DISARMAMENT HELD ON 6 SEPTEMBER 1994

Paragraph 20 of the Final Document of the first Special Session of the United Nations General Assembly devoted to Disarmament underscores the importance of effective measures of nuclear disarmament and prevention of nuclear war as deserving the highest priority among measures of arms limitation and disarmament. The document, in paragraph 32, reaffirmed also the need for effective arrangements, as appropriate, to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, which could strengthen the security of those States and international peace and security.

Following the demise of the Cold War, dramatic positive changes have taken place in the international political climate. As a consequence, the world has witnessed the arrangement of a number of significant arms limitation and disarmament agreements. The precedent of the conclusion of the Chemical Weapons Convention, the beginning of a process of nuclear disarmament by the United States and the Russian Federation, and the measures taken by other former Soviet Republics in the framework of complete nuclear disarmament demonstrate clearly that nuclear disarmament is not only within the frame of practical implementation but can also be achieved in the foreseeable future if only the political will exists. Apparently, less reliance is now being placed by nuclear-weapon States on the role of nuclear weapons. The process of the de-emphasizing of this role and reducing the dependence upon them should be continued and carried forward as a significant step towards the complete elimination of nuclear weapons.

The Non-aligned Conference recently held in Cairo reiterated the belief that, in order to be effective and lasting, the approach towards international security should be non-discriminatory and balanced and should seek security for all through total nuclear disarmament, elimination of all weapons of mass destruction and progressive measures of reduction of conventional arms. The Conference restated that security assurances to non-nuclear-weapon States can contribute positively to addressing some of the dangers inherent in the

presence of nuclear weapons and urged the Conference on Disarmament to negotiate, as a matter of priority, an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances and to undertake negotiations for the complete elimination of all nuclear weapons within a time bound framework.

Accordingly, the members of the Group of 21 already parties to the NPT attach utmost importance to both questions of negative and positive security assurances. It is their conviction that the only completely effective security assurances against the use or threat of use of nuclear weapons lie in the prohibition of the use of nuclear weapons, nuclear disarmament and complete elimination of these weapons. Existence of nuclear weapons constitutes in itself a threat to international security and a factor which encourages proliferation. For this reason, and pending the achievement of the complete elimination of nuclear weapons, it is imperative for the international community to develop effective measures and arrangements to assure non-nuclear-weapon States against these weapons, and to elaborate measures and arrangements which can contribute positively towards achieving the most effective regime of non-proliferation of nuclear weapons in all its aspects.

In this respect, the delegations of the Group of 21, States Parties to the NPT wish to present to the Conference a draft protocol on security assurances which would be attached to the Non-Proliferation Treaty as its integral part. They are confident that the Protocol drafted on the basis of a simple common formula (i.e.: the nuclear-weapon States pledge themselves never to use or threaten to use nuclear weapons against non-nuclear-weapon States) would be given early and serious consideration by the members of the Conference on Disarmament. The text of the Protocol is annexed below.

ANNEX

DRAFT PROTOCOL ON SECURITY ASSURANCES

Preamble

The States Parties to the Non-Proliferation Treaty,

Convinced that nuclear weapons pose the greatest threat to mankind and to the survival of civilization,

Regarding that the only credible guarantee against the use or threat of use of nuclear weapons lies in the total elimination of such weapons,

Considering that, until nuclear disarmament is achieved on a universal basis, it is imperative for the international community to devise effective measures to ensure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons,

Bearing in mind the resolutions of the United Nations General Assembly and the Security Council on the question of strengthening the security of non-nuclear-weapon States,

Taking into consideration the unilateral solemn declarations made by nuclear-weapon States on some guarantees given to non-nuclear-weapon States,

Recalling their obligations to refrain, in their mutual relations, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations Charter,

Have agreed as follows:

I. Definitions

1. The term "nuclear-weapon State" referred to in this Protocol refers to the definition given by the Non-Proliferation Treaty.

2. The term "non-nuclear-weapon State" referred to in this Protocol refers to all States other than those which fall under the above definition of a nuclear-weapon State.

II. Basic obligations

1. In accordance with Article 2, paragraph 4 of the Charter of the United Nations, each State undertakes to refrain in its international relations from the threat or use of force against another State, its territorial integrity and its political independence.

2. The nuclear-weapon States pledge themselves not to use or threaten to use nuclear weapons against non-nuclear-weapon States.

III. Measures in case of non-compliance

1. Any State which has reason to believe that there has been or is likely to be a breach of the obligations of the States Parties arising from Article II of this Protocol may request an urgent meeting of a Conference of the States Parties to the Non-Proliferation Treaty, and/or the Security Council, under Chapter VII of the Charter of the United Nations, with a view to preventing such a breach or redressing the situation arising therefrom.

2. In the case of a nuclear aggression or a threat of aggression against a non-nuclear-weapon State, the Conference of the States Parties and the Security Council should provide to it the necessary help and assistance.

IV. Duration

This Protocol constitutes an integral part of the Non-Proliferation Treaty and shall remain in force as long as the Treaty remains valid or as long as complete elimination of nuclear weapons has not been achieved.

V. Entry into force

This Protocol shall enter into force under the same conditions as the Non-Proliferation Treaty.

CONFERENCE ON DISARMAMENT

CD/1277/Corr.1
7 September 1994

ENGLISH ONLY

STATEMENT ON BEHALF OF THE DELEGATIONS OF EGYPT, ETHIOPIA, INDONESIA, IRAN (ISLAMIC REPUBLIC OF), KENYA, MEXICO, MONGOLIA, MYANMAR, PERU, SRI LANKA AND VENEZUELA DELIVERED AT THE 691ST PLENARY MEETING OF THE CONFERENCE ON DISARMAMENT HELD ON 6 SEPTEMBER 1994

Corrigendum

The title of document CD/1277 should read as above.

GE.94-64294

CONFERENCE ON DISARMAMENT

CD/1278
7 September 1994

Original: ENGLISH

PROHIBITION OF THE PRODUCTION OF FISSILE MATERIAL FOR NUCLEAR WEAPONS OR OTHER NUCLEAR EXPLOSIVE DEVICES

Statement by the Netherlands on behalf of the Western Group

1. Today I take the floor to deliver a statement on behalf of the Western Group on the issue of negotiations on a ban of the production of fissile material for nuclear weapons and other nuclear explosive devices, or "Cut-off".

The Western Group has listened with great interest to the progress report just presented by the CD's Special Coordinator on Cut-off, Ambassador Shannon.

2. The Western Group would like to commend the Special Coordinator for the way he has discharged himself of the responsibilities entrusted to him in the Presidential statement of 25 January last. The Western Group is encouraged by the consensus among members that the Conference is the appropriate forum to negotiate a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices and by the agreement, in principle, for the establishment of an Ad Hoc Committee on this item.

3. The Western Group had expected that, on the basis of the consensus on the CD as the appropriate forum, the Conference would be able to agree on a negotiating mandate and to establish an Ad Hoc Committee during its 1994 session. Most regrettably, that expectation has not been met. None the less, the Western Group continues to look forward to an early negotiation in the CD, and to that end supports the request that the Special Coordinator continue his consultations.

4. The Western Group would like to reiterate that it fully supports the original draft mandate, which is based on the wording of the United Nations General Assembly consensus resolution 48/75L. The Western Group further notes that this simple mandate enjoys the support of the preponderance of the members of the CD, and that only a handful of delegations has been unwilling to uphold the commitment embodied in the 1993 Cut-off resolution. The simple draft mandate reads as follows:

"1. The Conference on Disarmament decides to establish an Ad hoc Committee on a 'Ban on the production of fissile material for nuclear weapons or other nuclear explosive devices'.

2. The Conference directs the Ad Hoc Committee to negotiate a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

3. The Ad hoc Committee will report to the Conference on Disarmament on the progress of its work before the conclusion of the 1994 session "

In the view of the Western Group, CD members should seize the unique opportunity of the consensus reached in the United Nations General Assembly to begin, as soon as possible, the negotiation of a ban on the production of fissile material for nuclear weapons or other nuclear explosive devices.

5. The Western Group expresses the hope that the Special Coordinator can successfully conclude his consultations and declares its readiness to render him every support in doing so.

CONFERENCE ON DISARMAMENT

CD/1279
7 September 1994

Original: ENGLISH

PROHIBITION OF THE PRODUCTION OF FISSILE MATERIAL FOR NUCLEAR WEAPONS OR OTHER NUCLEAR EXPLOSIVE DEVICES

Statement by Poland on behalf of the Eastern European Group

On behalf of the Eastern European Group I should like to make the following statement concerning the question of negotiations on a ban of the production of fissile material for nuclear weapons or other nuclear explosive devices.

The Eastern European Group wishes to express to the Special Coordinator its appreciation of the dedication and perseverance with which Ambassador Shannon has been seeking to discharge the responsibilities that were entrusted to him in the Presidential statement at the outset of the current session of the Conference on Disarmament.

The Eastern European Group is grateful to Ambassador Shannon in particular for his efforts which have resulted in two important findings: first - that there is consensus among CD members that this body is the appropriate forum to negotiate a non-discriminatory multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices; and second - that there is agreement, in principle, on the establishment of an appropriate Ad Hoc Committee.

The Eastern European Group is disappointed and concerned that, despite the remarkable meeting of minds in the Conference on Disarmament, an agreement on a negotiating mandate and on the actual establishment of an Ad Hoc Committee has proved elusive.

Bearing in mind that consensus General Assembly resolution 48/75 L is at the origin of the efforts to negotiate a cut-off treaty, the Eastern European Group is confident that the window of opportunity created by this resolution will not be closed. We, therefore, lend our firm support to the request that the Special Coordinator continue his consultations in the time ahead. We wish him every success in that effort and we pledge to him our full cooperation.

The members of the Eastern European Group are determined to spare no effort to see negotiations commenced as soon as possible on a non-discriminatory, multilateral and international and effectively verifiable ban of the production of fissile material for nuclear weapons or other nuclear explosive devices. Certainly no less can be expected from other CD members who joined in the consensus on United Nations General Assembly resolution 48/75 L.

CONFERENCE ON DISARMAMENT

CD/1280
12 September 1994

Original: ENGLISH

LETTER DATED 7 SEPTEMBER 1994 FROM THE PERMANENT REPRESENTATIVE OF PAKISTAN ADDRESSED TO THE DEPUTY SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF HIS STATEMENT MADE ON PARAGRAPH 29 OF THE REPORT OF THE CONFERENCE ON DISARMAMENT ON THE ISSUE OF A FISSILE MATERIALS CONVENTION

I have the honour to forward herewith the text of a statement I delivered at the 692nd plenary meeting on 7 September 1994, concerning the text of paragraph 29 of the Report of the Conference on Disarmament to the General Assembly.

I should be grateful if the statement could be circulated as an official document of the Conference on Disarmament.

(Signed): Ahmad Kamal
Ambassador and Permanent Representative

GE.94-64285 (E)

STATEMENT BY AMBASSADOR AHMAD KAMAL ON THE TEXT OF PARAGRAPH 29 OF THE REPORT OF THE CONFERENCE ON DISARMAMENT ON THE ISSUE OF A FISSILE MATERIALS CONVENTION

1. My delegation was happy to hear the report of the Special Coordinator, Ambassador Gerald Shannon, and welcomes the agreement on the text of paragraph 29 on the subject of a future Fissile Materials Convention which has been incorporated in the report of the Conference on Disarmament.

2. As we all know, the Special Coordinator's consultations have been prolonged and difficult. This was essentially because there was, and there continues to be, a wide divergence of views among the members of the Conference on Disarmament on the scope of the proposed Fissile Materials Convention.

3. This disagreement emerged after it became clear to many that the word "production" used in the General Assembly resolution 48/75 of 16 December 1993, was going to be restrictively interpreted to imply "future" production only, thus excluding past production and stockpiles altogether. This effort at deliberately excluding past production or stockpiles from the purview of a Convention on Fissile Materials does not make logical sense, even less so in the light of recent incidents and developments, and is, therefore, not acceptable to many delegations. It would be a perpetuation or legitimization of the asymmetry which exists globally and regionally, and would put the whole concept of nuclear disarmament into serious doubt.

4. My delegation has also taken note of Ambassador Shannon's suggestion that the mandate proposed by him earlier was without prejudice to a discussion on the stockpiles issue in the Ad Hoc Committee. If this proposal was made in all earnestness and with the approval of those who oppose discussion of the stockpiles issue, then my delegation fails to understand why an explicit reference could not be made in the mandate. We all know that it is the mandate from which the scope is derived, which in turn guides the debate in the Committee. We would not be justified in believing that without any reference to stockpiles in the mandate, the Treaty will address this important issue.

5. The recent plutonium smuggling incidents, which may only be a precursor to what could happen, vindicates our view that the stockpiles issue needs urgent attention. It is a clear hint that the most immediate danger today comes from the existing stocks and has to be addressed urgently.

6. A Fissile Materials Convention will have to be negotiated on a basis of non-discriminatory approach and a comprehensive scope if it is to meet the security interests of concerned States and the aspirations of the international community. We have all agreed, in principle, that an Ad Hoc Committee should be established as soon as a mandate is agreed. We have no doubt that the Special Coordinator will continue his efforts to propose a mandate which incorporates these unexceptionable objectives.